



COPY

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PATENT
Attorney Docket No. ASC-023DVC2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Eugene A. Fitzgerald
SERIAL NO.: 10/022,689 GROUP NO.: 2813
FILING DATE: December 17, 2001 EXAMINER: Laura M. Schillinger
TITLE: CONTROLLING THREADING DISLOCATION DENSITIES IN Ge
ON Si USING GRADED GeSi LAYERS AND PLANARIZATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION OF AMENDMENT NON-ENTRY AND CONDITIONAL REQUEST FOR CONTINUED EXAMINATION

In response to the final Office Action mailed on October 31, 2003, we submitted an amendment to the Office on December 2, 2003. The amendment followed an interview with the Examiner on November 24, 2003, and incorporates the suggestion made by the Examiner during that interview. The amendment made no substantive change to the claims; it merely clarified the order of steps in claim 35.

Under these circumstances, we respectfully question the Examiner's refusal to enter the amendment and consider it on the basis of the art of record. A new search is not required because nothing of substance was added to the claims. Accordingly, we respectfully request reconsideration of the Examiner's refusal to enter the amendment.

In order to minimize late fees, the Examiner is authorized to treat this paper as a request for continued examination, and to enter the December 2, 2003 amendment pursuant thereto, if she maintains her refusal to enter the amendment as filed in response

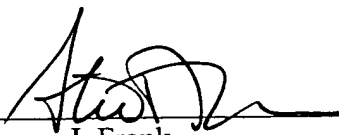
to the October 31, 2003 Office Action (or if, having been entered, the amendment is not deemed to place the application in condition for allowance). As noted in the amendment, we await receipt of initialed copies of the Forms 1449 that accompanied the Information Disclosure Statements filed on December 17, 2001, August 13, 2003, and August 21, 2003.

This paper is submitted with a petition to extend time for one month, since the amendment was submitted within two months of the mailing date of the final office action. Should further extension or any other fee be occasioned by this paper, the Office is authorized to charge our Deposit Account No. 20-0531.

Respectfully submitted,

Date: April 7, 2004
Reg. No. 33,497

Tel. No.: (617) 310-8108
Fax No.: (617) 248-7100


Steven J. Frank
Attorney for Applicant(s)
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125 High Street
Boston, Massachusetts 02110



Express Mail Label No. EV334240480US

TRANSMITTAL
FORM

Application Serial Number	10/022,689
Filing Date	December 17, 2001
First Named Inventor	Eugene A. Fitzgerald
Group Art Unit	2813
Examiner Name	Laura M. Schillinger
Attorney Docket No.	ASC-023DVC2
Patent No.	Not applicable
Issue Date	Not applicable

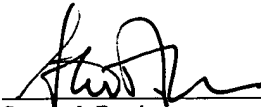
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input checked="" type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Renewed Request for Continued Examination <input checked="" type="checkbox"/> Copy of Request For Reconsideration Of Amendment Non-Entry and Conditional Request For Continued Examination
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CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
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125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Steven J. Frank
Attorney for Applicant(s)
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

Date: May 13, 2004
Reg. No. 33,497
Tel. No.: (617) 310-8108
Fax No.: (617) 248-7100

**FREE TRANSMITTAL**
FY 2004*Complete if Known*

Application Serial Number	10/022,689
Filing Date	December 17, 2001
First Named Inventor	Eugene A. Fitzgerald
Group Art Unit	2813
Examiner Name	Laura M. Schillinger
Attorney Docket No.	ASC-023DVC2

METHOD OF PAYMENT				FEE CALCULATION (continued)																																						
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2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.																																										
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Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100				Respectfully submitted, Date: May 13, 2004 Reg. No.: 33,497 Tel. No.: (617) 310-8108 Fax No.: (617) 248-7100 Steven J. Frank Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																						



5-14-04

IFW RCE \$2813

Express Mail Label No. EV334240480US

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Application No.	10/022,689
Filing Date	December 17, 2001
First Named Inventor	Eugene A. Fitzgerald
Group Art Unit	2813
Examiner Name	Laura M. Schillinger
Attorney Docket No.	ASC-023DVC2

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTES

RCE v. CPA: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

FEE AND SUBMISSION REQUIRED: A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

RCE APPLIES TO: An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

RCE DOES NOT APPLY TO: (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☒ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on December 2, 2003.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____.
- c. ☐ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☐ Information Disclosure Statement (IDS) enclosed.
- i. ☐ PTO-1449
- ii. ☐ Copies of IDS Citations
- f. ☐ Other _____.

2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114

- a. ☐ Small entity status
- i. ☐ was established in the prior nonprovisional application.
- ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☐ A Petition and Fee for Extension of Time for ____ months up to and including ____ is enclosed herewith.
- c. ☒ A check in the amount of \$ 770.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$ ____, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

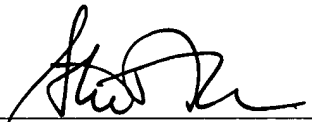
05/17/2004 RMEBRAHT 00000119 10022689

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770.00 OP

3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.
b. ☒ Other: Renewed Request for Continued Examination.
c. ☒ Other: Copy of Request For Reconsideration Of Amendment Non-Entry and Conditional Request For Continued Examination.

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p>Respectfully submitted,</p>  <p>Reg. No. 33,497 Tel. No.: (617) 310-8108 Fax No.: (617) 248-7100</p> <p>Steven J. Frank Attorney for Applicant(s) Testa, Hurwitz & Thibault, LLP High Street Tower 125 High Street Boston, MA 02110</p>

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PATENT
Attorney Docket No. ASC-023DVC2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Eugene A. Fitzgerald
SERIAL NO.: 10/022,689 GROUP NO.: 2813
FILING DATE: December 17, 2001 EXAMINER: Laura M. Schillinger
TITLE: CONTROLLING THREADING DISLOCATION DENSITIES IN Ge
ON Si USING GRADED GeSi LAYERS AND PLANARIZATION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED REQUEST FOR CONTINUED EXAMINATION

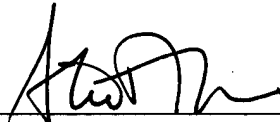
This paper reiterates our request for continued examination in the above-referenced case. On April 7, 2004, in response to the Advisory Action mailed on March 10, 2004 (which denied entry of the amendment we filed on December 2, 2003), we submitted a Request For Reconsideration Of Amendment Non-Entry and Conditional Request For Continued Examination (copy included herewith). This paper requested continued examination in the event our request for reconsideration was unsuccessful. The Examiner did, in fact, deny our request for entry of the December 2 amendment, but did not act on the request for continued examination.

Accordingly, we hereby renew that request, the effective date of which remains April 7, 2004. No extension fee should therefore be necessary, but the Office is authorized to charge any fee occasioned by this paper to our Deposit Account No. 20-0531.

Respectfully submitted,

Date: May 13, 2004
Reg. No. 33,497

Tel. No.: (617) 310-8108
Fax No.: (617) 248-7100



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